

REMARKS

Entry of the foregoing, reexamination and further and favorable consideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested.

I. Amendments to the Specification and Claims

By the foregoing amendment, the specification has been amended to remove recitation of the URLs originally included in the specification, to substitute the enclosed paper copy of the "Sequence Listing" for the one previously submitted, and to insert appropriate sequence identifiers at appropriate locations throughout the specification. Further, claims 11 and 13 have been amended. In particular, claim 11 has been amended to recite "dwarfing of floral shoot internodes." Support for this amendment can be found, for instance, in Example 11, particularly on page 40, lines 2-3, whereby the specification includes the description that ". . . the resulting plants have shorter height, multiple shoots, and dwarfing of the floral shoot internodes as compared to wild-type plants (see Fig. 12B)." Claim 11 has been further amended to insert the article —a—before recitation of "wild-type." Claim 13 has also been amended to correct the claim from which it depends and to further define the plant tissue or seed as "compris[ing] a polynucleotide encoding the sequence of amino acids 1-138 of SEQ ID NO: 4." Support for the amendment to claim 13 can be found throughout the originally filed application. No new matter has been added.

II. Objections

A. Sequence Listing Matters

The Examiner has objected to the specification for not incorporating SEQ ID NOs. when referring to certain nucleic acid or amino acid sequences on pages 18 (Brief Description of the Drawings – Figure 3), 22, and 23 of the specification.

Applicants submit herewith a substitute “Sequence Listing” (in both paper and computer readable forms) incorporating SEQ ID NOs: 16-26 and have amended the specification on pages 18, 22, and 23 to insert the appropriate sequence identifier that corresponds to the sequence already included in the specification.

In view of the sequence listing submissions included herewith and the amendments to the specification set forth above, Applicants are believed to be in full compliance with the sequence rules. Withdrawal of the objection to the specification with regard to the sequence listing requirements is thus respectfully requested.

B. Hyperlinks

The Examiner has also objected to the specification for containing, on page 32, line 11, and page 39, line 21, various web page URLs. See OFFICE ACTION at 3.

The URLs indicate the origin of mutant used in the present invention. Since SIGnAL T-DNA Express of the Salk Institute Genomic Analyst Laboratory is Arabidopsis Gene Mapping Tool, which is well-known in the art, Applicants do not believe reference to these URLs are necessary to be part of the application in order to comply with the requirements under 35 U.S.C. § 112, first paragraph. As such, and to expedite prosecution in the present application, Applicants have amended the specification to remove the URLs mentioned by the Examiner.

In view of the amendments to the specification, withdrawal of this objection to the specification is respectfully requested.

C. Claims 11 and 13

Claim 11 has been objected to for omitting recitation of the article --a-- before the phrase "wild type". Also, Claim 13 has been objected to for being dependent on claim 11 instead of claim 12. By the foregoing amendment to the claims, claims 11 and 13 have been amended in accordance with the Examiner's proposals.

Therefore, withdrawal of the objections to the claims is believed to be in order.

III. Claim Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 10-13 and 19 have been rejected under 35 U.S.C. § 112, second paragraph, as purportedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has alleged that "[c]laim 10 is indefinite for reciting 'floral shoot internodes' without including any adjective to describe how 'floral shoot internodes' ha[ve] been changed because of the insertion of said polynucleotide." OFFICE ACTION at 3. Applicants believe that the Examiner intended to indicate that claim 11 was indefinite for recitation of such language as claim 11, not claim 10, includes the language quoted by the Examiner.

This rejection is respectfully traversed. However, to expedite prosecution in the present application and not to acquiesce to the Examiner's rejection, claim 11 has been amended to recite "dwarfing of floral shoot internodes." This amendment is not intended to limit the scope of claim 10 or any element recited therein. In view of the above, the Examiner is respectfully requested to withdraw the indefiniteness rejection.

IV. Claim Rejection under 35 U.S.C. § 101

Claim 13 has been rejected under 35 U.S.C. § 101 for allegedly claiming non-statutory subject matter.

This rejection is respectfully traversed. However, to expedite prosecution in the present application and not to acquiesce to the Examiner's rejection, claim 13 has been amended to further define the plant tissue or seed as "compris[ing] a polynucleotide encoding the sequence of amino acids 1-138 of SEQ ID NO: 4." In view of the above, the Examiner is respectfully requested to with the section 101 rejection.

V. Conclusion

Applicants acknowledge the Examiner's statement that claims 10-13 and 19 are "free of the prior art" OFFICE ACTION at 4.

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions related to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at the below-listed telephone number concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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